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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,439

10/07/2006

Shoji Taniguchi

8048-1164

4765

466 7590 01/05/2009
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EXAMINER

ILUYOMADE, IFEDAYO B

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

01/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,439	Applicant(s) TANIGUCHI ET AL.	
	Examiner IFEDAYO ILUYOMADE	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/27/06, 07/01/08</u> . | 6) <input type="checkbox"/> Other: _____ |

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 07/01/2008 was filed after the mailing date of the application on 10/07/2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

3. Claims **12 – 15 and 17 – 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kubo et al. (AU 2003289079)** in view of **Lemelson (US Patent No. 3716445)**.
4. Kubo (079) has discussed the claimed invention as recited below;
 - With respect to claim 12 and 22, Kubo teaches: multiple layer with predetermine area where power calibration is performed to detect an optimum recording power of recording laser beams transmitted through layers in recorded and non-recorded states, (refer to paragraph 0247, 0332 and 0338).
 - With respect to claim 13, Kubo teaches: predetermine area smaller than opposite areas, (refer to Fig. 5A).
 - With respect to claim 14, Kubo teaches: encryption of information in a recording medium, (refer to paragraph 0249 and 0334).

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- With respect to claim 17, Kubo teaches: that all recording layers have a predetermine area for power calibration, (refer to Fig. 5A, paragraph 0247, 0332 and 0338).
 - With respect to claim 18, Kubo teaches: interchanging the starting recording sides of each layer thereby placing the predetermine area of each layer at different ends, (refer to Fig. 7 and paragraph 0345).
 - With respect to claim 19, Kubo teaches: management information area for recording optimum power value, (refer to paragraph 005, 006, 0244 and 0328 - 0330).
 - With respect to claim 20, Kubo teaches: the apparatus for recording information for an optical recording medium with write device that uses trial writing controls for the write device (refer to paragraph 0206 - 0221).
 - With respect to claim 21, Kubo teaches: the method for recording information for an optical recording medium with trial writing controls process (refer to paragraph 0222 – 0235 and 0262).
5. however, Kubo lacks:
- The facing area having embossed pits.
6. Lemelson (445) discusses embossment in the abstract:
- “In one form, the material of which the reflective sheet is made comprises a flexible transparent polymer which has one or more surfaces of which sheeting has been embossed in a manner to reflect incident light striking the sheet back to the vicinity of the source.”

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated an embossed pit, as taught by Lemelson, with the method, apparatus, and medium used by Kubo for the purpose of reflecting or refracting of the incident light from a source; Reflecting with respect to reading and refracting with respect to writing. This is in consideration that embossing can be accomplished with a combination of heat and pressure with is exerted using laser.

7. Claims **16** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kubo et al. (AU 2003289079)** in view of **Lemelson (US Patent No. 3716445)**, in further view of **Sasaki (US PUB. 20050078578)**.

8. Kubo (079) has discussed the claimed invention as recited below;

- With respect to claim 16, Kubo teaches: management information area for recording information, (refer to paragraph 005, 006, 0244 and 0328 - 0330).

9. however, Kubo lacks:

- The embossed pits are formed in the facing area.

10. Lemelson (445) lacks:

- Wherein at least one of said first recording layer and second recording layer further has a management information recording area to record therein management information and,
- Identification information for identifying whether or not the embossed pits are formed in the facing area is recorded in the management information recording area, as the management information.

11. Lemelson (445) discusses embossment in the abstract:

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- “In one form, the material of which the reflective sheet is made comprises a flexible transparent polymer which has one or more surfaces of which sheeting has been embossed in a manner to reflect incident light striking the sheet back to the vicinity of the source.”

12. Sasaki (578) lacks:

- Wherein at least one of said first recording layer and second recording layer further has a management information recording area to record therein management information and,
- Identification information for identifying whether or not the embossed pits are formed in the facing area is recorded in the management information recording area, as the management information.

13. Sasaki (578) discusses the use of identification information, paragraph 0085:

- “In practical sense, that identification information is recorded at H1 to H4 (Highest Test Speed) of addition information 1 within ATIP.”

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to have to combine the identification information as taught by Sasaki with the teachings of Kubo and Lemelson for the purpose of tracking discriminating information regarding the embossment of pits in order to signify recorded and unrecorded area of the layers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IFEDAYO ILUYOMADE whose telephone number is (571)270-7118. The examiner can normally be reached on Mon. - Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marvin Lateef can be reached on (571) 272-5026. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph H. Feild/
Supervisory Patent Examiner, Art
Unit 2627

IBI
12/16/08